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IAB # FO2297450

# Los Angeles County Sheriff's Department
## Supervisor's Report on Use of Force



**Incident Information**

URN: 911-15018-2199-145 | Date: 9/24/11 | Time: 0754 hours

Location: [redacted] Wright Road | City or Station: South Gate

Bureau/Station/Facility: Century Station | Admin. Investigation: YES ☐ NO ☒

Type of Force: Personal Weapons (fractured jaw)

Deputy Injury: YES ☒ NO ☐ | Suspect Injury YES ☒ NO ☐

☐ Call ☒ Observation ☐ Detail | ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ | Person Notified: Lt. Ault | Emp: [redacted] | IAB Roll Out: YES ☒ NO ☐

**Involved Employee**

E 1

Employee # [redacted] | Last Name: Curko | First Name: Marcello | Middle Name:

Sex: ☒ Male ☐ Female | Race: Hispanic | Unit of Assignment: Century Station | Work Assignment (Unit #, Module, etc.): 217A

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 6'02" | Weight: 218lbs.

☒ Injured ☐ Treated ☐ Admitted | Hospital: N/A | Coroner Case # | Directed Force ☐ | Significant Force ☒

E__

Employee # | Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted | Hospital: | Coroner Case # | Directed Force ☐ | Significant Force ☐

E__

Employee # | Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted | Hospital: | Coroner Case # | Directed Force ☐ | Significant Force ☐

☐ **Additional Involved Employees**

**On Duty Supervisor**

| Emp. # | Last Name | First Name | Middle Name | Rank | Present | Witness to Incident |
|---|---|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] | YES ☐ NO ☒ | YES ☐ NO ☒ |
| | | | | | YES ☐ NO ☐ | YES ☐ NO ☐ |

**Watch Sergeant**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Kusayanagi | Chris | M. |

**Watch Commander**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Morales | Guillermo | J. |

IAB PATRICK LIBERTONE | [signature] | [redacted] | 07/11/12

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

IAB Sgt. Trent Denison | [redacted]

Supervisor Completing Form: **(Print Name)** | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO# 2297450

Original: Discovery Unit
Copy: Unit Commander

# Supervisor's Report on Use of Force
## SUSPECT INFORMATION
## 911 - 15018 - 2199 - 145



**Suspect Information**

S 1

| | | | | | |
|---|---|---|---|---|---|
| Last Name | Abundez | First Name | Alejandro | Middle Name | Araujo |
| AKA Last Name | Araujo | First Name | Alejandro | Middle Name | |

Sex: ☒ Male ☐ Female | Race: Hispanic | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: [redacted] | Age: 20 | Height: 5'09" | D.O.B. 10/05/90 | Weight: 200lbs. | Armed? ☐

Booking #: 2887925 | Primary Charge Code: 243(c) P.C. | Secondary Charge Code: 647(f) P.C. | Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: St. Francis Medical Center Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By Doctor: Van Miller, MD. Address: 3630 E. Imperial Hwy, Lynwood, CA 90262 Phone #: 323-226-2622

Under Influence: ☒ YES ☐ NO Substance: Alcohol | 5150 a factor in force ☐ YES ☒ NO User's guide provides direction on this entry

**Suspect Interview**

Date: 09/24/11 | Time: 1420hrs. | ☒ Audiotape: ☐ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

**Suspect Information**

S__

| | | | | | |
|---|---|---|---|---|---|
| Last Name | | First Name | | Middle Name | |
| AKA Last Name | | First Name | | Middle Name | |

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

**Suspect Interview**

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

**Suspect Information**

S__

| | | | | | |
|---|---|---|---|---|---|
| Last Name | | First Name | | Middle Name | |
| AKA Last Name | | First Name | | Middle Name | |

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

**Suspect Interview**

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

# Supervisor's Report on Use of Force
# EMPLOYEE / NON-EMPLOYEE INFORMATION
## 9 1 1 - 1 5 0 1 8 - 2 1 9 9 - 1 4 5



**Employee Witnesses**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Mejia | Carlos | D. |
| | | | |
| | | | |
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**Non-Employee Witnesses**

| Last Name | First Name | Middle Name | Age | D.O.B. | Street Address | City | Zip Code | Work Ph. | Home Ph. |
|---|---|---|---|---|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | 24 | [redacted] | [redacted] | [redacted] | 90280 | [redacted] | [redacted] |
| [redacted] | [redacted] | [redacted] | 25 | [redacted] | [redacted] | [redacted] | [redacted] | [redacted] | [redacted] |
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☐ Additional Witness

### Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

| FORCE USED BY | | FORCE USED AGAINST | | Method (Code) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|
| Name | E# or S# | Name | E# or S# | | | |
| Abundez | S | Curko | E | RS | NN | |
| Abundez | S | Curko | E | UC | NN | |
| Abundez | S | Curko | E | PO | LC | FA |
| | | | | | | |
| Curko | E | Abundez | S | CT | NN | |
| Curko | E | Abundez | S | PH | FR | FA |
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# COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT

## INVESTIGATIVE SUMMARY
## USE OF FORCE RESULTING IN SKELETAL FRACTURE

| | |
|---|---|
| **UNIT:** | Century Station |
| **DATE:** | Saturday, September 24, 2011 |
| **TIME:** | 0754 hours |
| **LOCATION:** | Wright Road and Batavia Road, South Gate, California |
| **URN#:** | 911-15018-2199-145 |
| **IAB#:** | FO #2297450 |

On September 24, 2011, the Internal Affairs Bureau Force and Shooting Response Team went to Century Station's area regarding a use of force incident which resulted in a suspect receiving a skeletal fracture. The team consisted of Sergeant Trent Denison, Sergeant Dondra Cullins and Lieutenant Alicia Ault. At the time investigators arrived, the crime scene had already been photographed and released by Century Station supervisors. Walter Katz of the Office of Independent Review, was notified of the incident but did not respond.

Investigators learned Deputies Marcello Curko and Carlos Mejia were involved in the incident. Both deputies were working uniformed patrol in the Century Station area.

This investigation is based on statements by the involved deputies, witnesses at the scene, and information obtained during the investigation, along with various written documentation.

**SYNOPSIS:**

On September 24, 2011, at approximately 0754 hours, Deputies Curko and Mejia observed a vehicle which was in violation of several vehicle codes, including windows darkly tinted, the rear stop lights were tinted and the front license plate was not securely attached. They activated their overhead lights and siren to initiate a traffic stop of the driver in regard to the above described violations. After a short distance, the driver yielded at the location, just inside the city limit of South Gate.

When the deputies approached the vehicle, they saw the driver, [redacted] the right front passenger, Suspect Alejandro Abundez, and the rear passenger, [redacted] seated in the car. Deputy Mejia saw Suspect Abundez had an open bottle of tequila between his legs which is a violation of the California Vehicle Code. The driver was uncooperative in answering questions and ignored requests for his driver's licence. Deputy Curko detected the odor of an alcoholic beverage emanating from inside the suspect vehicle and so the driver was detained in the rear seat of the radio car, pending further investigation.

Deputy Curko had Suspect Abundez exit the vehicle and escorted him to the radio car while Deputy Mejia remained at the suspect's vehicle to maintain a visual on Ms. [redacted]. While standing near the rear door of the radio car, Deputy Curko began a pat down search for weapons when Suspect Abundez questioned his actions. At the same time, Suspect Abundez pulled his hands from Deputy Curko's grasp and turned. Deputy Curko gave orders to Abundez to remain still and began to retrieve his handcuffs from their pouch. At this time, Suspect Abundez broke completely free from Deputy Curko's grasp, spun toward him, and lunged forward, using his head to strike Deputy Curko. The suspect's head butt landed on the side of Deputy Curko's face as Curko tried to avoid being struck. Deputy Curko side-stepped to avoid any further attack and rapidly punched Suspect Abundez two times on the jaw area with his fist. Suspect Abundez fell to the ground where Deputy Curko was able to handcuff him without further incident.

Suspect Abundez was transported to St. Francis Medical Center where he was diagnosed with a non-displaced fracture to the right Mandibular Angle / Ramus and Para Symphysial Region (broken jaw).

The driver, Mr. [redacted] was given Field Sobriety Tests and found not to be impaired. He was cited in the field for driving on a suspended license and released. Ms. [redacted] was not found in violation of any laws and also released.

This incident was documented in the Incident Report and attached supplemental reports found in **[Exhibit A]**.

## INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY:

**Deputy Marcelo Curko #[redacted]**

| | |
|---|---|
| Date of Employment | 05/99 |
| Date assigned to Patrol | [redacted] |
| Completed Patrol Training | [redacted] |

**SWORN WITNESS:**

Deputy **Carlos Mejia, #**[redacted]
Field Operations Region II
Century Station

**SUSPECT:**

**Alejandro Araujo Abundez**, MH/20, 10-05-90, 5'09", 200lbs[redacted]

Suspect Abundez had one prior [redacted].

**CIVILIAN WITNESSES:**

[redacted] MH/24, [redacted], [redacted]. Driver of the vehicle Suspect Abundez was a passenger in.

[redacted] FH/24 [redacted]
Rear passenger in the vehicle Suspect Abundez was in.

No other witnesses were found and there were no security cameras on adjacent buildings at the location.

**INJURIES**
Deputy Curko received a cut lower lip and tenderness to his lip when he was head butted by Suspect Abundez. Deputy Curko did not require medical attention.

Suspect Abundez was transported to St. Francis Medical Center where he was diagnosed with a fracture to the right Mandibular Angle / Ramus and Para Symphysial Region (broken jaw). For more information, see the attached medical paperwork in **[Exhibit B]**.

## PHYSICAL EVIDENCE

Century Station [redacted] photographed the location of this incident and assisted Century Station Watch Commander, Sergeant Guillermo Morales, with interviewing the civilian witnesses and Suspect Abundez on video. For more information, see the attached video interviews in **[Exhibit C]**.

## INVESTIGATOR'S OBSERVATIONS

At the time of the Force and Shooting Response Team's arrival, the use of force incident was completely over and the scene had been released. Therefore, there are no investigator's observations of the scene.

IAB investigators noticed Deputy Curko had a small cut on the inside of his lower lip and he complained of pain to his jaw, which he said was a result of Suspect Abundez head butting him.

Sgt. Dondra Cullins interviewed Suspect Abundez while he was housed in the Century Regional Detention Center. No visible injuries were observed other than a bandage brace on Suspect Abundez' lower jaw.

## WEAPONS USED BY DEPUTY CURKO

Personal - Fist

## WEAPONS USED BY SUSPECT ABUNDEZ

Personal - Head Butt

## PROPERTY DAMAGE

None

## CRIMINAL INVESTIGATOR and CHARGES FILED

Investigator: None

Suspect Abundez was arrested for Battery on a Peace Officer, 243(C)(1) PC and Drunk in Public, 647(F) PC in relation to this incident. Suspect Abundez has a current court case for 148(A)(1) PC filed on 02-28-12 under court number: DOW2DY0104101 as a result of this incident.

## LIGHTING AND WEATHER CONDITIONS

The weather was warm and it was daylight at the time of the incident.

## SCENE DESCRIPTION

The location is a residential street that is bordered on both sides by single family homes. There is a concrete sidewalk on both sides of the street with a raised curb from the asphalt street to the sidewalk. For more information, see the attached scene photographs in **[Exhibit C]**.

## INVOLVED AND WITNESS DEPUTY STATEMENTS

*The following is a summary of the involved deputy and witness statements. For more information and exact wording, see the attached verbatim interview transcriptions.*

Deputy **Marcelo Curko** told IAB investigators that he was driving his patrol vehicle with his bookman, Deputy Carlos Mejia, when they saw a Lexus car with numerous equipment violations. He initiated a traffic stop of the vehicle for the violations and contacted the driver, [redacted]. Deputy Curko said he could smell the odor of alcohol emanating from within the car. He did not know if Mr. [redacted] was the cause of the odor of if someone else in the car was. He had Mr. [redacted] exit the car and placed him in the rear seat of the patrol car pending further investigation. He did so also in order to safely remove the other passengers since he noticed the front seat passenger, Suspect Abundez, had an open bottle of tequila in between his legs on the seat and was verbally uncooperative and argumentative.

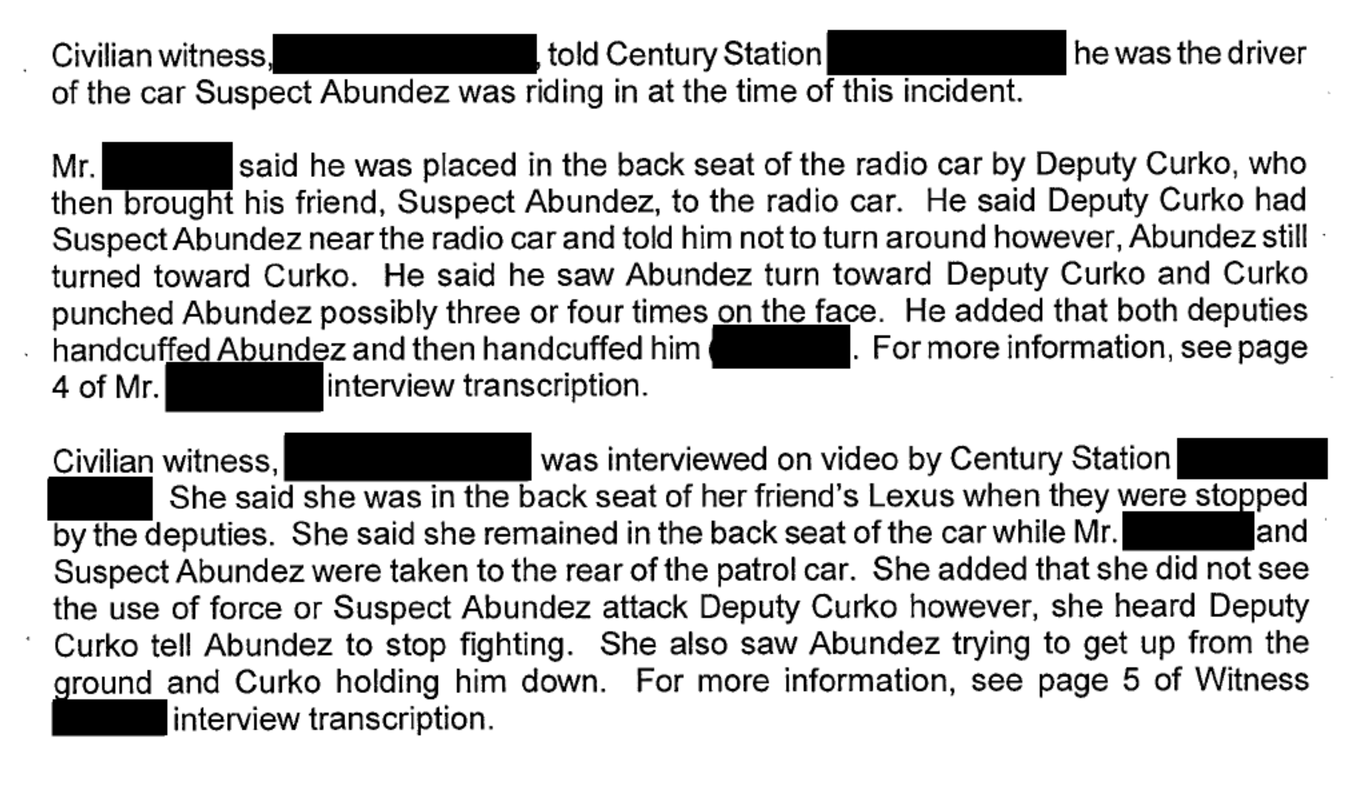
Deputy Curko said he had Suspect Abundez exit the car and walk to the rear passenger side of the patrol car in order to conduct a pat down search. He said once they reached the car and he had Abundez' hands behind his back in searching fashion, Abundez questioned his reason for searching. Deputy Curko said Suspect Abundez attempted twisting out of his grip so he decided to handcuff Abundez to restrain him from attacking. Deputy Curko said he continually gave Abundez direction to stop trying to turn around and to cooperate. He said Suspect Abundez suddenly broke free of his grasp and quickly turned to face him. Deputy Curko added that when Abundez turned to face him, Abundez purposely head butted him on the lower jaw. Deputy Curko added he was unable to avoid the blow but then was able to side step and quickly punched Suspect Abundez two times on the left side of his jaw. He said Suspect Abundez then fell to the ground face first. Deputy Curko said he placed his knee on the back of Suspect Abundez and used his body weight to hold Abundez on the ground and handcuffed him without further incident. The incident lasted less than a minute from the start of the search to the time Suspect Abundez was handcuffed. For more information, see pages 3, 4, 12 & 18 of Deputy Curko's IAB interview.

Deputy Curko said he had his OC spray but he did not use it because of the close proximity to Suspect Abundez when trying to handcuff him. He also said he had his flashlight with him but did not feel it was appropriate to strike Abundez in the head with it and he did not want to back away or lose ground, but get control of Abundez quickly. Deputy Curko did not have a Taser.

Witness Deputy **Carlos Mejia** told IAB investigators that he was the bookman with Deputy Curko on the date of this incident and witnessed part of the altercation.

Deputy Mejia said he was standing at the passenger side of the suspect vehicle and noticed Suspect Abundez sitting in the front passenger seat with an open bottle of tequila between his legs. Deputy Mejia said he waited at the suspect vehicle while Deputy Curko had the driver exit and then placed in the back seat of the patrol car. He said he and Deputy Curko have discussed this tactic while working together and this is how they have conducted previous stops of vehicles with multiple subjects. He said Deputy Curko then had Suspect Abundez exit the car via the driver's door and walked him back to the radio car to be searched for weapons. He added that he waited at the suspect vehicle since they had yet to remove the rear passenger and he wanted to watch her while Deputy Curko dealt with the driver and Suspect Abundez one at a time.

Deputy Mejia said he heard Deputy Curko tell Abundez to relax and not turn around. This alerted him to a problem and when he turned to look back at his partner, he saw Suspect Abundez had already turned to face Deputy Curko. Deputy Mejia said he saw Suspect Abundez lunge forward and head butt Deputy Curko on the face. He said Deputy Curko then moved to the side and quickly punched Suspect Abundez two times on the face, which caused the two of them to fall to the ground. He said Deputy Curko placed his knee on Abundez' back to hold him face down and cuffed him quickly. He added the incident was over very quickly but he was able to broadcast for assistance while Deputy Curko handcuffed Suspect Abundez. He said no other force was used. For more information, see page 3 of Deputy Mejia's IAB interview transcription.



Civilian witness, [redacted], told Century Station [redacted] he was the driver of the car Suspect Abundez was riding in at the time of this incident.

Mr. [redacted] said he was placed in the back seat of the radio car by Deputy Curko, who then brought his friend, Suspect Abundez, to the radio car. He said Deputy Curko had Suspect Abundez near the radio car and told him not to turn around however, Abundez still turned toward Curko. He said he saw Abundez turn toward Deputy Curko and Curko punched Abundez possibly three or four times on the face. He added that both deputies handcuffed Abundez and then handcuffed him [redacted]. For more information, see page 4 of Mr. [redacted] interview transcription.

Civilian witness, [redacted] was interviewed on video by Century Station [redacted] She said she was in the back seat of her friend's Lexus when they were stopped by the deputies. She said she remained in the back seat of the car while Mr. [redacted] and Suspect Abundez were taken to the rear of the patrol car. She added that she did not see the use of force or Suspect Abundez attack Deputy Curko however, she heard Deputy Curko tell Abundez to stop fighting. She also saw Abundez trying to get up from the ground and Curko holding him down. For more information, see page 5 of Witness [redacted] interview transcription.

Suspect **Alejandro Abundez** was interviewed by Century Station [redacted] and Watch Commander, Sergeant Morales on video **[Exhibit C]**. Suspect Abundez was later interviewed on tape by IAB investigators. A review of his video interview revealed his statements to [redacted] & Morales were consistent with his statements given to IAB investigators.

Suspect Abundez said he was riding in the front passenger seat of his friend's car when they were pulled over by deputies. He said he had been drinking tequila and had the bottle he was drinking out of, resting on the floor between his legs when they were stopped. He said he was told to get out of the car and then was searched by a deputy by the radio car. He added that he did not like what was going on and so he tried to turn around to talk to the deputy. He said he was told not to turn around but he did so anyway because the deputy had not told him his rights. He said that is when he was pushed to the ground. He said he struck his face and hurt his jaw on the ground when he fell. He said he did not attack the deputy. He added that he was not punched or kicked by the deputies.